

**Carlisle Conservation Commission**  
**Minutes**  
**February 7, 2019**

Pursuant to the notice filed with the Town Clerk, Chair Angie Verge called the meeting to order in the Clark Room at the Town Hall at 7:05 p.m. Also present were Vice Chair Melinda Lindquist, Commissioners Lee Tatistcheff and Dan Wells and Conservation Administrator, Sylvia Willard. Not present were Commissioners Ken Belitz, Steve Smith and Helen Young.

**Minutes:** Willard reported there are currently four sets of draft minutes that she has been unable to review due to other priorities including the Greenough Dam grant application and the annual Town Report.

**Emergency Certificate: Carlisle Fire Station - Site Contamination**

An Emergency Certificate had been prepared to address the immediate need to install five groundwater monitoring wells within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. The monitoring wells, all within the paved areas of the property, are being installed in accordance with state requirements in order to evaluate potential impacts to private drinking water wells based on a reportable condition discovered during petroleum underground storage tank removal activities in late December. The tank removal work was done under a Determination issued by the Commission in December. Wetlands have been delineated and erosion controls remain as previously established for the work to remove the tanks. Should additional monitoring wells be required as a result of the findings from this testing, no further action may be taken until the Commission has been consulted.

Willard said she met with representatives from Wilcox & Barton, the firm that submitted the Immediate Response Action Plan and Release Notification to MassDEP on behalf of the town. Wilcox and Barton will also be overseeing the monitoring process for the town as well as any remediation measures that may be deemed necessary. Willard said it is her understanding that current groundwater conditions in the vicinity and downgradient of the underground storage tank (UST) release area are being evaluated to rule out potential contamination of the Certified Vernal Pool located close to a flagged wetland that drains directly to the CVP - she said she was told they do not believe the contamination has travelled. The Commission requested that when and if further water testing is undertaken the testing also include water taken from the CVP.

With no further comments Verge requested a motion. *Tatistcheff moved to approve the Emergency Certificate to Wilcox & Barton, Inc. to install five groundwater monitoring wells at the Carlisle Fire Station. Lindquist seconded the motion, and all voted in favor.*

**Certificates of Compliance:**

**(DEP 125-081): 51 Spencer Brook Road; Applicant: McElhiney and Matson; Project: Construction of a driveway, grading, and associated utilities within the 100-foot Buffer Zone of a BVW.**

Work associated with this project and was never undertaken under this Order of Conditions. The current home was permitted under DEP #125-219A issued in 1986 with construction underway in 1991.

*Verge requested a motion to issue a Certificate of Compliance for DEP #125-081 as an invalid Order of Conditions. The motion was moved by Tatistcheff, seconded by Wells and all voted in favor.*

**Project Updates:**

**Bedford Road/Woodward Village:** Tree removal has been completed in advance of the well installation. One large tree that was hoped could be saved needed to be removed in order for the drilling rig to gain access to the site. The exact drilling date is yet to be determined.

**7:15 p.m. (DEP 125-1061) Notice of Intent, Continued Hearing**  
**Applicant: John Nelson**

**Project Location: Skelton Road, Map 1, Parcel 1 Lot 7 River Road**

**Project Description: Paving of common driveway and any minor associated grading within the 100-foot Buffer Zone of a Bordering Vegetated Wetland and the 200-foot Riverfront Area**

Verge opened the continued hearing for DEP #125-1061 under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The project engineer contacted the office earlier to report neither he nor the applicant would be attending the meeting tonight and to request that the Commission discuss the project and communicate any additional requirements they may determine are appropriate.

The NOI filing for this project includes minor grading and paving of the Common Driveway following the expiration of the original permit (DEP #125-0893) issued for this work. Because the proposed work will occur within Priority Habitat of state-protected rare wildlife species, the applicant was required to submit the plan to the NHESP, which determined the project would not result in a prohibited "take" of a state-listed Threatened species provided the applicant adheres to the conditions outlined in the Division's previous determination and provided there are no changes to the site plans. The letter from the NHESP also indicates that any activity not included in the filing and located within Priority Habitat may require an additional filing for MESA review if otherwise not exempt.

Testimony received at the January 24th hearing included the proposed addition of approximately 175 feet of eight-foot high stockade fencing along the edge of the Common Driveway and extending across a public trail easement and within the Riverfront Resource Area. Since the detail regarding the fencing and relative to access to the public trail easement and to land that is owned and managed by the Sudbury Valley Trustees (SVT) was determined to be insufficient, the hearing was continued to February 7th to also allow time for a site visit.

Willard reported conducting two recent site visits that were attended by Commissioner Wells, Carlisle Trails Committee members Roy Herold and Steve Tobin, and by Sudbury Valley Trustees' (SVT) Director of Stewardship, Laura Mattei. During these visits the subject of wildlife passage was discussed and the suggestion was made to include the requirement that in addition to the six-inch "critter gaps" under the panels but also the requirement that the panels should be "staggered", providing horizontal gaps in the fencing in order to allow for passage of larger mammals. Another concern that was discussed is the potential for ice and snow plowing to prevent access through the proposed gate.

Also, at issue is that the fencing represents a significant plan change that the Commission believes should have been addressed within an Alternatives Analysis as part of a Notice of Intent. As a result, the Commission will require the submission of an Amended Notice of Intent to both the Commission and to the NHESP. Wells suggested they should provide a more robust Alternatives Analysis within the Amended NOI, demonstrating how they believe the fencing does not impede wildlife movement - including three or four different scenarios: no fencing; the use of a different fencing material and/or natural plantings; and beginning the fencing at the easement, perhaps 100+ feet from the river, which would provide a large gap for wildlife. Wells also suggested the fencing should be added to the total, historic Riverfront Alterations for the property vs including the paving of the Common Driveway only.

Present for the discussion was David Freedman of Hutchins Road, who had previously suggested the Commission check with town counsel in terms of whether the trail easement includes fencing provisions. Willard said she had done this and learned that the issue is now being addressed by SVT because they are the landowners. The suggestion had also been made that the issue should also be evaluated by the Conservation Restriction Advisory Committee.

In concluding the discussion, Verge summarized the Commission's requirements moving forward: submission of an Amended Notice of Intent that includes the proposed fencing; an updated plan removing details that are not relevant to the current proposed work and including the proposed fencing and detail relative to the access gate;

a more robust Alternatives Analysis as discussed, with the recommendation that the Commission's preferred alternative is native screening vs fencing; a MassDEP Wildlife Habitat Evaluation; computation of the cumulative Riverfront Area alteration for the entire property.

With no further comments, *Verge requested a motion to continue the hearing to February 28, 2019 at 7:15 p.m. The motion was moved by Tatistcheff, seconded by Lindquist and all voted in favor.*

**7:40 p.m. Black Swan Farm/230 Concord Street - Maintenance Plan:** Property owner Steve Hamilton was present to discuss upcoming maintenance work planned under the existing USDA/NRCS Farm Plan (6/22/2006) on the land located between Concord and Westford Streets.

The upcoming, planned maintenance work includes cleaning out the drainage ditches of accumulated sediment beginning at Concord Street where the fields drain under the roadway, particularly in the area of the 36-inch culvert located under Concord Street that serves as the only outlet to the entire meadow. They propose to then observe how it functions and clean out the main ditches in the field the following year. This work will be coordinated with the Clark Farm and with the owners of the wetland field across Westford Street (Findlay/Freeman). Representatives from Clark Farm, Margie Findlay and Andrew Rodgers, who were present for the hearing, said they had no concerns relative to potential downstream impacts.

Hamilton explained that an obstacle to cleaning out the ditch in the area of the culvert is it has become overgrown with trees since it was done on the Clark Farm side within the last 5-6 years and the Hamilton side has not been done since 1984. They plan to remove the trees within the vicinity of the culvert while the ground is frozen, prepare the site to create an access path, then wait for a dry period to clean out the ditch. To alleviate concerns relative to bank stabilization, stumps of trees cut within reasonable distance to banking will be stump cut. Once they begin removing debris from the ditch, they will then begin replanting.

With no further comments or questions, the Commission thanked the Hamiltons for coming to discuss their plans and Willard offered to provide the Hamiltons with contact information for the New England Wetland Plants wholesale supplier.

**8:00 p.m. Discussion of proposed Amendment to the Residential Open Space Community (ROSC) Bylaw:** David Freeman had requested time to discuss the proposed amendment to the ROSC bylaw which would allow for piping and electrical service appurtenant to the ROSC and any piping, electrical service, access and/or other infrastructure related to a public water supply (PWS) of the Town of Carlisle, which may have a source located on another lot or lots and serve other properties within town. In this case, the town has public water rights on the U.S. Fish and Wildlife Service's Great Meadows National Wildlife Refuge land, (O'Rourke Land), which would be a centralized location if the community ever developed the need for a PWS.

Freedman explained the purpose for the proposed amendment is to make undertaking a PWS connection on the land the town will acquire from Woodward Village allowable in the future if it is ever needed for the entire community without requiring the CR be amended, which could potentially trigger the Article 97 process requiring a land swap due to a change in use. Freedman further explained the Conservation Restriction (CR) placed on Lots 1 and 2 to the west of the Woodward ROSC was held up by the state when the town attempted to reserve the right to run piping through that land from the future PWS because this was not included in the Warrant Article when the land was purchased. Because of this, anticipating the CR that will include the 32 acres coming to the town once the Woodward Village development is permitted through an ROSC permit, the town wants to ensure that the deed of the open space specifically allows for piping for a PWS located on the O'Rourke Land leading out to Maple Street.

Freedman said the developer of the Woodward ROSC has indicated he intends to sign a document stating that he agrees he will accept this if the bylaw amendment passes Town Meeting, and therefore, when the open space is conveyed to the town it will include this right and there is the assumption that the EOEEA will not have any issues with it.

No vote was taken - members of the Commission will have the opportunity to support the bylaw amendment at Town Meeting.

**FY20 Budget Update:** Verge and Willard had been scheduled to meet with the Personnel Committee on February 8 regarding the request for a grade change for the Administrative Assistant position, but the meeting was cancelled due to quorum issues and has not yet been rescheduled.

Verge reported she and Willard met with the BOS and appealed the case for the increase in hours and the regrading of the position to Grade 6. She said some members were very supportive and understood the needs of the town have changed and because of this, staffing needs to be addressed. There was also some opposition expressed, but overall the board's concern seemed focused on the budget differential if they agreed to support it. Willard said former ConsCom member and current BOS member Luke Ascolillo stated at the meeting that this has been a long-time request. The BOS has again deferred their decision pending budget impact information that was not provided in advance of the meeting. Verge said they will continue working on this. Tatistcheff said she would also suggest a moratorium for requiring review of this request since it was previously approved and has been open for over five years.

**Greenough Dam Repair:**

**CPA Grant Application:** The grant application for the restoration of the Greenough Dam in the amount of \$300,000 has been submitted to the Community Preservation Committee under Historic Preservation.

**EOEEA / State Grant Application:** The application for the Environmental Bond bill submission has been completed and is now pending a final review by Town Counsel.

**Open Space & Recreation Plan Revision:** The grant application requesting \$9,000 from the Community Preservation Committee Administrative Expenses Fund for the creation of the 2020 Open Space and Recreation Plan has been submitted to the Community Preservation Committee.

**SuAsCo Wild and Scenic River Conservation Plan:** The Commission reviewed a draft update to the SuAsCo Wild and Scenic River Stewardship Counsel's (RSC) River Conservation Plan. The intent of the Plan is to reflect the needs and priorities of the communities and agencies involved in river protection, and its priorities will drive projects and funding of the RSC in the coming years. *Lindquist moved to approve the draft changes to the submission to the SuAsCo RSC as drafted, Wells seconded the motion, and all voted in favor.* The document will be submitted to SuAsCo upon approval from the BOS.

8:22 p.m. *Verge requested a motion to adjourn. The motion was moved by Tatistcheff, seconded by Wells and all voted in favor.*

Respectfully submitted,  
Mary Hopkins  
Administrative Assistant

**DOCUMENTS PRESENTED:**

Hamilton/Black Swan Farm: – Ditch Maintenance Sketch Plan; Revised 2/7/2019; submitted by Steve Hamilton